



Appeal Decision

Site visit made on 19 August 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 18th September 2025

Appeal Ref: APP/G5750/W/25/3367538

5 Forest Street, Forest Gate, Newham, London E7 0HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms. Ayesha Begum against the decision of the Council of the London Borough of Newham.
 - The application Ref is 24/02645/FUL.
 - The development proposed is the construction of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers at No.3 and No.7 Forest Street, with particular regard to daylight, sunlight and outlook.

Reasons

3. The appeal site comprises a ground floor flat within a terraced block situated between Nos. 3 and 7 Forest Street. It forms part of a larger residential building, with additional flats located on the upper levels above. The rear gardens serving the ground floor flats are south-facing and positioned adjacent to one another. These gardens are relatively confined due to the density of surrounding built form. Access to the gardens is via the rear of the property and requires stepping down, as the ground floor flat is elevated above the garden level. I observed several outbuildings and structures within the garden of the appeal site that do not appear to be referenced in the submitted plans.
4. The proposed development involves the erection of a single-storey rear extension with an approximate depth of 3.5 metres and height of 3.11 metres. According to the plans, the extension would span the full width of the rear section of the garden and extend along the shared boundaries with the adjacent flats. However, the plans do not clarify what proportion of the rear garden would remain undeveloped or free from built structures. Given the limited dimensions of the gardens, it is likely that the extension would occupy a significant portion of the available outdoor space. This is a relevant consideration, as the extent of development along the mutual boundaries would directly affect the amenity value of the adjacent gardens.
5. The garden sits below the internal floor level of the ground floor flats, meaning the proposed single-storey extension would need to be taller than a typical structure to accommodate the change in levels. The appellant acknowledges that the overall

height of the extension would exceed that of the existing shared boundary fences, making it clearly visible from adjoining gardens. Consequently, the extension would appear more prominent than its stated height might initially suggest, and this visual impact would not be significantly softened by the use of a flat roof. Given its height (exceeding 3 metres) and its close proximity to shared boundaries, the extension is likely to have a pronounced visual impact when viewed from neighbouring gardens.

6. As such, I am satisfied that the proposed development would significantly increase the amount of built form and would be positioned in close proximity to neighbouring properties. This proximity, combined with the proposed height, scale, and massing, would result in a dominant and enclosing form in relation to neighbouring properties. Accordingly, it would severely restrict the outlook from, and create a strong sense of enclosure within, much of the rear gardens of the adjacent dwellings. Given the reasonably modest size of neighbouring gardens and the significant increase in built form proposed, I am not satisfied that the impact would be confined to a narrow or limited portion of the neighbouring occupiers' field of view. Instead, the development would significantly reduce the sense of spaciousness around the dwellings, resulting in a harmful loss of outlook. Furthermore, the scale, height, and proximity of the extension would result in an oppressive or enclosing effect on adjacent occupiers. This remains true even if the current proposal has been reduced in depth compared to the previously refused application (Ref: 24/01902/FUL).
7. Notwithstanding the close proximity of the proposed development to the shared boundaries, the south-facing orientation of the gardens suggests that the impact on daylight and sunlight for neighbouring occupiers would be limited. As a single-storey structure, the extension is unlikely to obstruct the view of the sky from nearby windows or garden areas to a significant degree. Similarly, it is unlikely to materially reduce the availability of direct sunlight to adjoining amenity spaces, particularly during the middle of the day when the sun is at its highest and most direct.
8. The appellant refers to the availability of permitted development rights as a fallback position, noting that the proposed extension exceeds the depth allowed under those rights by 0.5 metres. Accordingly, they consider that this represents a minimal increase in built form beyond what would ordinarily be permitted without the need for planning permission. However, under the Town and Country Planning (General Permitted Development) (England) Order 2015, permitted development rights apply only to dwellinghouses, which are defined as standalone houses or properties used as single-family homes. As the appeal site comprises a flat within a larger block, permitted development rights do not apply. Therefore, the correct baseline for assessing the proposal is that no rear extension is permitted without express planning permission, and the fallback position cited by the appellant through the use of permitted development rights does not exist.
9. The appellant references three previous planning appeals: 34 Waverley Gardens, IG6 1PJ (APP/W5780/D/15/3136737), identified as a terraced property; 7 Christie Gardens (APP/W5780/D/21/3269988), also a terraced property; and 40 Glenwood Gardens, IG2 6XT (APP/W5780/D/23/3328447) a semi-detached property. These appeals collectively highlight that extensions with moderate heights, particularly those with flat roofs, and depths that do not entirely eliminate the open aspect of neighbouring gardens, can be approved without causing unacceptable harm to

neighbour amenity. However, in this instance, I have found that the proposed extension would result in significant harm to the outlook from neighbouring properties due to its excessive height and proximity to shared boundaries. It would materially diminish the open character of the adjacent gardens, which are already constrained in size. Furthermore, the appeal site comprises a flat within a larger block, whereas the cited examples relate to terraced or semi-detached properties. This distinction is important, as it affects the relative spatial context, density, and relationship between built form and garden space. Accordingly, I am not persuaded that the referenced appeal decisions provide a directly comparable precedent for the current proposal.

10. Several letters of support have been submitted by neighbouring residents, including the current occupiers of Nos. 3 and 7 Forest Street, as well as an additional representation from the occupier of No. 19 Forest Street. While community support is a valued aspect of the planning process, particularly when it comes from those most directly affected, I must assess the proposal in terms of the enduring effects of development and its long-term impact, including on future occupiers of the adjacent dwellings. Notwithstanding the supportive comments received, I am not satisfied that they outweigh the identified harm arising from the proposed development, particularly in relation to its impact on outlook and amenity.
11. In conclusion, the proposed development would have a harmful effect on the living conditions of neighbouring occupiers at No.3 and No.7 Forest Street, with particular regard to daylight, sunlight and outlook. It would not minimise overlooking and overbearing impact, contrary to Policy SP8 of the Newham Local Plan 2018. It would also fail to deliver appropriate outlook and amenity, contrary to Policy D3 of the London Plan 2021.
12. The Council also alleges a conflict with the London Borough of Newham Altering and Extending Your Home SPD (2018). However, my attention has not been drawn to any words in it that are relevant to this issue. This document has therefore not been determinative with regard to this main issue.

Other Matters

13. The proposal would generate modest economic benefits through its construction phase. It would also provide functional improvements for the occupiers of the appeal site, particularly by increasing the amount of usable internal space and enhancing its suitability as a family home. However, given the limited scale of the proposed development, these benefits are relatively minor in planning terms. Accordingly, they do not outweigh the harm identified under the main issue or the resulting conflict with the development plan.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR